

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable James O. Browning

CASE NO. CIV 10-698 JB/RHS

DATE: March 3, 2011

TITLE: *Skyline Potato Company, Inc. v. Tan-O-On, Inc., et al.*

COURTROOM CLERK: K'Aun Wild

COURT REPORTER: N/A

COURT IN SESSION: FTR-Vermejo-01:03:36 p.m.

COURT IN RECESS: FTR-Vermejo-01:21:59 p.m. = :18

TYPE OF PROCEEDING: Initial Scheduling Conference

COURT'S RULINGS/DISPOSITION: see below

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Court

ATTORNEYS PRESENT FOR PLAINTIFF(S): ATTORNEYS PRESENT FOR DEFENDANT(S):

Justin Pizzonia (appearing telephonically) Shannon Robinson (for Defts. Gerald Anderson, Julie Anderson) (appearing telephonically) (not until 1:14 p.m.)

Maryann Bowers for (for Hi-Land Potato Co. And Carl Worley) (appearing telephonically)

PROCEEDINGS:

Court in Session: FTR-Vermejo-01:03:36 p.m

Court: Calls case. Counsel enter appearances. Court appearing telephonically from Rockwall, Texas. Understands Mr. Robinson was going to appear telephonically for hearing, as he contacted CRD to make arrangements for same this a.m., but he has not yet appeared - CRD has attempted to reach him by phone but he does not answer.

Court: Have reviewed JSR/PDP. Asks if there is anything counsel wishes to tell Court about case that might impact on scheduling?

Mr. Pizzonia: No.

Ms. Bowers: Informs have not yet answered third-party complaint.

Court: Provides deadlines as to be contained in Scheduling Order. Explains how handles

trailing docket. If prefer different magistrate judge for settlement conference let Court know to work out. Explains how handles discovery.

1:14 p.m. Mr. Robinson appears (telephonically).

Court: Suggests post- meet and confer pre-motion conferences - does not require. If file early motions call CRD for hearing ASAP. Will not set *Daubert* deadlines at this time - if need and cannot agree call CRD for Court to work out. Do not like to deal with *Daubert* issues at time of trial. Asks if this is largely an Albuquerque case - if counsel want to try in ABQ?

Mr. Pizzonia: Fine.

Mr. Robinson: Fine.

Ms. Bowers: Not prepared to say if ABQ is okay for trial location or not.

Court: Will plan on trial in ABQ - if it is, will only call central jury pool. Provides disclosure re: relationship with/knowledge of Thomas Burrage. Anything further?

Counsel indicate there is not.

Mr. Robinson: Wants to know if Ms. Bowers will accept service?

Ms. Bowers: Cannot accept at this time.

Mr. Robinson: Okay.

Court: Informs Mr. Robinson that this hearing has been recorded in the event he wishes to request transcript of same from Clerk's Office.

Court in recess: FTR-Vermejo-01:21:59 p.m.